

**ALBRIGHT, STODDARD,  
WARNICK & ALBRIGHT**  
801 S Rancho Dr., Suite D-4  
Las Vegas, Nevada 89106  
Telephone: (702) 384-7111  
Facsimile: (702) 384-0605  
[gma@albrightstoddard.com](mailto:gma@albrightstoddard.com)

### *Liaison Counsel for the Class*

**LABATON SUCHAROW LLP**  
140 Broadway  
New York, New York 10005  
Telephone: (212) 907-0700  
Facsimile: (212) 818-0477

*Attorneys for Lead Plaintiffs Nantahala Capital Management, LLC and Lead Counsel for the Class*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

IN RE DIAMOND RESORTS  
INTERNATIONAL, INC. SECURITIES  
LITIGATION

Civil Action No. 2:18-cv-01355-APG-EJY

## **JOINT STIPULATION AND [PROPOSED] ORDER**

1           WHEREAS, Defendant Stephen J. Cloobeck filed his answer to the Amended Complaint  
2 on March 25, 2019 (ECF No. 52);

3           WHEREAS, Defendants Diamond Resorts International, Inc., David J. Berkman, Richard  
4 M. Daley, Frankie Sue Del Papa, Jeffrey W. Jones, David Palmer, Hope S. Taitz, Zachary D.  
5 Warren, Robert Wolf, and Jared T. Finkelstein moved to dismiss this action on May 9, 2019 (ECF  
6 Nos. 65 and 66), which motion remains pending;

7           WHEREAS, counsel for Plaintiffs, counsel for Defendants, and counsel for the plaintiff in  
8 another putative class action (related to the events at issue in this action) in the Delaware Court of  
9 Chancery entitled *Appel v. Berkman*, C.A. No. 12844-VC MR (the “Delaware Action”), have been  
10 engaged in discussions concerning a settlement that would resolve both this action and the  
11 Delaware Action;

12           WHEREAS, the discussions concerning settlement (referenced above) have included  
13 discussion of the possibility of administering a single settlement through the Delaware Action,  
14 subject to approval by the court in the Delaware Action;

15           WHEREAS, this stipulation does not admit or imply anything about any party’s ultimate  
16 willingness to settle this action, aside from the fact that good faith discussions concerning  
17 settlement have occurred;

18           WHEREAS, the parties to this stipulation believe that staying this action would be a  
19 prudent use of judicial resources;

20           **IT IS HEREBY STIPULATED AND AGREED**, by and between the attorneys for the  
21 parties to this action, as follows:

- 22           1. Upon the entry of this stipulation by the Court, this action is stayed.  
23           2. If any party moves the Court requesting the stay be lifted, the Court shall lift the stay.

24           For the avoidance of doubt, the Court may also lift the stay at any time *sua sponte*.  
25  
26  
27  
28

1           3. Counsel for the Class shall file a letter updating the Court on the status of settlement  
2           discussions promptly upon any settlement being finally approved by any court or four  
3           (4) months from the date this stipulation is entered by the Court, whichever is sooner.

4  
5           Dated: October 3, 2019

6           SNELL & WILMER L.L.P.

7           BY: /S/ John Delikanakis

John S. Delikanakis, Esq. (NV Bar No. 5928)  
David L. Edelblute, Esq. (NV Bar No. 14049)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
Email: jdelikanakis@swlaw.com  
Email: dedelblute@swlaw.com

12           - AND -

13           PAUL, WEISS, RIFKIND,  
14           WHARTON & GARRISON LLP  
Lewis R. Clayton, Esq. (admitted *pro hac vice*)  
Robert N. Kravitz, Esq. (admitted *pro hac vice*)  
1285 Avenue of the Americas  
New York, New York 10019-6064  
Telephone: (212) 373-3000  
Facsimile: (212) 492-0215  
Email: lclayton@paulweiss.com  
Email: rkravitz@paulweiss.com

19           *Attorneys for Defendant Diamond Resorts  
20           International, Inc. and Jared Finkelstein*

Respectfully submitted,

PISANELLI BICE PLLC

BY: /S/ Ava M. Schaefer

Todd L. Bice (NV Bar No. 4534)  
Ava M. Schaefer (NV Bar No. 12698)  
400 S. 7th Street, Suite 300  
Las Vegas, NV 89101  
Telephone: (702) 214-2100  
Facsimile: (702) 214-2101  
Email: lit@pisanellibice.com  
Email: ams@pisanellibice.com

- AND -

MILBANK LLP

Scott Edelman (admitted *pro hac vice*)  
Alan Stone (admitted *pro hac vice*)  
55 Hudson Yards  
New York, NY 10001  
Telephone: (212) 530-5285  
Facsimile: (212) 822-5149  
Email: sedelman@milbank.com  
Email: astone@milbank.com

*Attorneys for David Berkman*

(SIGNATURE PAGE CONTINUED)

1 BROWNSTEIN HYATT FARBER  
2 SCHRECK, LLP

3 BY: /S/ Maximilien D. Fetaz  
4 Adam K. Bult, Esq., (NV Bar No. 9332)  
5 Maximilien D. Fetaz, Esq., (NV Bar No. 12737)  
6 100 North City Parkway, Suite 1600  
7 Las Vegas, NV 89106-4614  
8 Telephone: (702) 382-2101  
9 Facsimile: (702) 382-8135  
10 Email: abult@bhfs.com  
11 Email: mftetaz@bhfs.com

12 - AND -

13 GIBSON, DUNN & CRUTCHER LLP  
14 Mitchell A. Karlan (admitted *pro hac vice*)  
15 Jefferson E. Bell (admitted *pro hac vice*)  
16 Brad Schoenfeldt (admitted *pro hac vice*)  
17 200 Park Avenue  
18 New York, NY 10166  
19 Telephone: (212) 351-4000  
20 Facsimile: (212) 351-4035  
Email: mkarlan@gibsondunn.com  
Email: jbell@gibsondunn.com  
Email: bschoenfeldt@gibsondunn.com

21 Brian Lutz (admitted *pro hac vice*)  
22 555 Mission Street  
23 San Francisco, CA 94105  
24 Telephone: (415) 393-8200  
25 Facsimile: (415) 374-8306  
26 Email: blutz@gibsondunn.com

27 Attorneys for Richard M. Daley, Frankie Sue Del  
28 Papa, Jeffrey W. Jones, David Palmer, Hope S.  
Taitz, Zachary D. Warren and Robert Wolf

ALBRIGHT, STODDARD, WARNICK &  
ALBRIGHT

BY: /S/ Mark Albright  
Mark Albright, Esq., (NV Bar No. 01394)  
Jorge L. Alvarez, Esq., (NV Bar No. 014466)  
801 South Rancho Drive, Suite D-4  
Las Vegas, Nevada 89106  
Telephone: (702) 384-7111  
Facsimile: (702) 384-0605  
Email: gma@albrightstoddard.com  
Email: jalvarez@albrightstoddard.com

*Liaison Counsel for the Class*

LABATON SUCHAROW LLP

BY: /S/ Carol C. Villegas  
Carol C. Villegas (admitted *pro hac vice*)  
Jake Bissell-Linsk (admitted *pro hac vice*)  
140 Broadway  
New York, NY 10005  
Telephone: (212) 907-0700  
Facsimile: (212) 818-0477  
Email: cvillegas@labaton.com  
Email: jbissell-linsk@labaton.com

*Attorneys for Lead Plaintiffs Nantahala Capital Management, LLC and Lead Counsel for the Class*

THE LAW OFFICE OF  
JO ANN PALCHAK, P.A.

BY: /S/ Jo Ann Palchak  
Jo Ann Palchak, Esq. (admitted *pro hac vice*)  
1725 1/2 7th Ave., Suite 6  
Tampa, FL 33605  
Telephone: (813) 468-4884  
jpalchak@palchaklaw.com

*Counsel for Lead Plaintiff ODS Capital LLC*

(SIGNATURE PAGE CONTINUED)

1 THE JIMMERSON LAW FIRM, P.C.

2 BY: /S/ James M. Jimmerson

3 James J. Jimmerson, Esq., (NV Bar No 000264)

4 James M. Jimmerson, Esq., (NV Bar No 012599)

415 South Sixth Street, Suite 100

Las Vegas, NV 89101

Telephone: (702) 388-7171

Facsimile: (702) 380-6422

Email: ks@jimmersonlawfirm.com

Email: jmj@jimmersonlawfirm.com

7 *Attorneys for Defendant Stephen J. Cloobeck*

8

9

10

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

14 DATED: October 4, 2019

15

16

17

18

19

20

21

22

23

24

25

26

27

28